

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gerry C. DuBose,

Plaintiff,

v.

Civil No. 05-01 (JNE/SRN)
ORDER

Jennifer L. Carey, John D. Kelly,
and Hanft, Fride, O'Brien, Harries,
Swelbar & Burns, P.A.,

Defendants.

On October 18, 2005, the Court denied Plaintiff's motion for default judgment, granted Defendants' motion for summary judgment, dismissed Plaintiff's Complaint with prejudice, and enjoined Plaintiff from commencing further litigation against Defendants based in whole or in part on the representation of Newton Friedman or any lawsuit related to that representation. Judgment was entered the next day. Plaintiff sought permission to file a motion to reconsider, and the Court denied his request. Plaintiff appealed, and the United States Court of Appeals for the Eighth Circuit affirmed. On November 21, 2008, Plaintiff moved for relief from the judgment and for costs of service.

Plaintiff seeks relief from the judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. In support, he claims that Defendants defaulted and that the Court inadvertently granted Defendants' motion for summary judgment. Plaintiff's request for relief from the judgment has no merit. It is untimely. *See* Fed. R. Civ. P. 60(c)(1). It is also an impermissible attempt to reargue the issues decided in the October 18 Order. Thus, the Court declines to grant Plaintiff relief from the judgment.

As to Plaintiff's request for costs associated with service, Plaintiff made the request almost four years after incurring the costs, more than three years after the entry of judgment, and more than two years after the Eighth Circuit affirmed the judgment. The Court denies Plaintiff's belated request for costs.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Plaintiff's motion for relief from the judgment and for costs of service [Docket No. 64] is DENIED.

Dated: December 2, 2008

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge